

HOUSE BILL NO. 506

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A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
AMENDMENT TO ARTICLE VII, SECTION 8, OF THE MONTANA CONSTITUTION TO REVISE THE
METHOD OF SELECTION FOR JUSTICES OF THE MONTANA SUPREME COURT; AND PROVIDING AN
EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article VII, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. Selection. (1) ~~Supreme court justices and district court judges shall be elected by the~~
~~qualified electors as provided by law shall be selected as provided in subsection (3).~~

(2) District court judges shall be elected by the qualified electors as provided by law.

(3) (a) Supreme court justices shall be appointed by the governor from a list of nominees provided
by a nomination committee consisting of the president of the senate, the speaker of the house of
representatives, the minority leaders of each house, and two current or former attorneys. The two attorneys
must be selected by the first four members, with the majority and minority party members of the committee
each selecting one attorney to serve on the committee.

(b) For a vacancy in the office of supreme court justice caused by the end of the justice's term, the
nomination committee shall provide to the governor the names of at least three but no more than five qualified
nominees at least 60 days prior to the end of the justice's term. The governor shall appoint a justice from those
names within 60 days after receiving the names. If the nomination committee fails to provide at least three
qualified nominees by the required date, the governor shall appoint an individual from a list of 10 nominees
chosen by lottery from a full list of qualified nominees. The full list of qualified nominees must be created using

1 a method determined by the nomination committee.

2 (c) For a vacancy in the office of supreme court justice caused by any other reason, the
3 nomination committee shall provide to the governor the names of at least three but no more than five qualified
4 nominees within 60 days after receiving notification of the vacancy from the chief justice of the supreme court.
5 The governor shall appoint a justice from those names within 60 days after receiving the names. If the
6 nomination committee fails to provide at least three qualified nominees by the required date, the governor shall
7 appoint an individual from a list of 10 nominees chosen by lottery from a full list of qualified nominees. The full
8 list of qualified nominees must be created using a method determined by the nomination committee.

9 (d) Appointments of supreme court justices made under this subsection (3) shall be subject to
10 confirmation by the senate, as provided in law.

11 (e) A supreme court justice shall serve until the expiration of the term for which the justice was
12 appointed or until the expiration of the term of the justice's predecessor if the appointment was to fill an
13 unexpired term.

14 (2)(4) For any vacancy in the office of ~~supreme court justice or~~ district court judge, the governor shall
15 appoint a replacement from nominees selected in the manner provided by law. If the governor fails to appoint
16 within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the appointment
17 from the same nominees within thirty days of the governor's failure to appoint. Appointments made under this
18 subsection shall be subject to confirmation by the senate, as provided by law. If the appointee is not confirmed,
19 the office shall be vacant and a replacement shall be made under the procedures provided for in this section.
20 The appointee shall serve until the election for the office as provided by law and until a successor is elected
21 and qualified. The person elected or retained at the election shall serve until the expiration of the term for which
22 his predecessor was elected. No appointee, whether confirmed or unconfirmed, shall serve past the term of his
23 predecessor without standing for election.

24 (3)(5) If an incumbent files for election for the office of district court judge and there is no election
25 contest for the office, the name of the incumbent district court judge shall nevertheless be placed on the general
26 election ballot to allow the voters of the ~~state or~~ district to approve or reject him. If an incumbent district court
27 judge is rejected, the vacancy in the office for which the election was held shall be filled as provided in
28 subsection (2) (4)."

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